

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Plaintiff,

ELODIA SANCHEZ

Plaintiff-Intervenor,

v.

EVANS FRUIT CO., INC.

Defendant,

and

JUAN MARIN and ANGELITA
MARIN, a marital community,

Defendants-Intervenors.

NO. CV-10-3033-LRS

**PRELIMINARY INJUNCTION
ORDER**

An evidentiary hearing regarding Plaintiff's Motion For Preliminary Injunction (Ct. Rec. 65) was conducted on September 1, 2, 3 and 7, 2010, and closing argument was heard on September 7.

The Complaint filed by Plaintiff Equal Employment Opportunity Commission (EEOC) alleges Defendant Evans Fruit Co., Inc., violated Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), of the Civil Rights Act of 1964, as amended, as a result of Juan Marin and other supervisors allegedly subjecting

1 female employees to sexual harassment and a hostile work environment because of
2 sex. One of those employees, Elodia Sanchez, subsequently intervened as a
3 Plaintiff in this action, alleging individual causes of action against Evans Fruit,
4 and against Juan and Angelita Marin, for sexual harassment under Title VII and
5 under the Washington Law Against Discrimination (WLAD), RCW Chapter
6 49.60. She also alleges a common law claim for negligent infliction of emotional
7 distress.

8 For the reasons specified in its “Amended Order Granting Motion For
9 Preliminary Injunction” filed contemporaneously herewith and available in the
10 court’s public records, EEOC has met its burden of clearly showing a likelihood
11 of irreparable harm and there are, at a minimum, “serious questions” going to the
12 merits of the sexual harassment/discrimination claims. The EEOC has produced
13 affirmative evidence from which it can be inferred that a chill of Title VII
14 protected activity has occurred or is threatened.

15 Accordingly, **IT IS HEREBY ORDERED** that Juan Marin and Evans Fruit
16 Company, and officers, agents, managers and employees of Evans Fruit Company,
17 including Alberto Sanchez and Simon Ramirez, and any other persons in active
18 concert with Evans Fruit Company, be, and hereby are, preliminary enjoined,
19 pending final disposition of the captioned matter, from engaging in or performing
20 the following:

- 21 (a) taking any retaliatory measures or other adverse actions based on
22 retaliatory intent affecting identified Charging Parties, identified
23 and/or reasonably known Class Members, and identified and/or
24 reasonably known potential witnesses, or any of their family
25 members, in *EEOC v. Evans Fruit Company* (aka “the captioned
26 matter”);

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- 2 (b) taking any action calculated to discourage current or past employees
- 3 of Evans Fruit from free and open association with any identified
- 4 Charging Party, identified and/or reasonably known Class Member,
- 5 or identified and/or reasonably known potential witness in *EEOC v.*
- 6 *Evans Fruit Company*;
- 7
- 8 (c) paying or offering to pay persons for favorable testimony in *EEOC v.*
- 9 *Evans Fruit Company* or for information about EEOC's case or
- 10 investigation of the retaliation charges filed against Evans Fruit
- 11 Company; and
- 12
- 13 (d) discharging, firing, terminating, suspending, failing to pay,
- 14 disciplining or taking any other similar adverse action which has the
- 15 anticipated or intended effect of precluding or discouraging any
- 16 current Evans Fruit employee from (I) making charges, testifying,
- 17 assisting or participating in any proceeding, hearing or investigation
- 18 under Title VII, including the EEOC's investigation of the pending
- 19 retaliation charges against Evans Fruit, or (ii) in any manner opposing
- 20 a practice made unlawful by Title VII; provided, however, that
- 21 nothing in this Order shall prevent Evans Fruit from making normal
- 22 and customary hiring and firing decisions in the normal course of
- 23 business.
- 24
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1 **IT IS SO ORDERED.** The District Court Executive is directed to enter
2 this Order and forward copies to all counsel of record.

3 **DATED** this 30th day of November, 2010.

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5 *s/Lonny R. Suko*

6 _____
7 LONNY R. SUKO
8 Chief United States District Judge